

CHAPTER 118

CHILD WELFARE (See Social Welfare)

S. F. 374

AN ACT to repeal sections 3661-a1 to 3661-a7, both inclusive, code of Iowa, 1935, and any other provisions of law in conflict with this act, to establish a division of child welfare in the state department of social welfare, to provide for a unified supervision of child welfare activities in the state, to promote and establish child welfare services, to prescribe the powers and duties of the state board of social welfare and the division of child welfare with regard to children, and to amend sections 3661-a11, 3661-a12, 3661-a15, 3661-a18, 3661-a22, 3661-a26, 3661-a27, 3661-a28, 3661-a31, 3661-a32, 3661-a33, 3661-a34, 3661-a36, 3661-a37, 3661-a41, 3661-a44, 3661-a47, 3661-a48, 3661-a49, 3661-a52, 3661-a54, 3661-a55, 3661-a57, 3661-a60, 3661-a62, 3661-a65, 3661-a67, 3661-a68, 3661-a69, 3661-a71, 3661-a73, 3661-a74, 3661-a75, 3661-a76, 3661-a77, 3661-a80, 3661-a81, 3661-a83, 3661-a87, 3661-a88, 3661-a90, 3661-a91, 3661-a93, 3661-a94, 3661-a96, 3661-a97, 3661-a100, 3671, 3683, 3655, 3656, 10501-b7 and 10501-b8, code of Iowa, 1935.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Repeal of existing laws.** Section 3661-a1 to 3661-a7
2 both inclusive, of the code of Iowa, 1935, are hereby repealed and the
3 following is enacted as a substitute. All other acts or parts of acts
4 which are in conflict herewith are hereby repealed.

1 SEC. 2. **Definitions.** The terms "*state department*", "*state board*",
2 "*county department*" and "*county board*" are used in this act as said
3 terms are defined in section 1 of Senate File 373 of the acts of the
4 47th General Assembly.

5 As used in this act: "*Sub-division of child welfare*" means the sec-
6 tion devoted to child welfare work in the division of the state depart-
7 ment of social welfare charged with administering aid to the blind,
8 aid to dependent children and child welfare and created by section 9
9 of the Senate File 373 of the acts of the 47th General Assembly.

10 "*Superintendent*" means the superintendent of that division of the
11 state department incorporating aid to the blind, aid to dependent chil-
12 dren and child welfare as provided by section 9 of Senate File 373
13 of the acts of the 47th General Assembly.

14 "*Child welfare services*" means social welfare services for the pro-
15 tection and care of children who are homeless, dependent or neglected,
16 or in danger of becoming delinquent.

1 SEC. 3. **Powers and duties of superintendent.** The superintendent
2 shall be responsible to the state board for the proper and lawful admin-
3 istration of the sub-division of child welfare. The superintendent,
4 under rules and regulations adopted by the state board, shall exercise
5 the powers and discharge all the administrative and executive duties
6 imposed upon the sub-division of child welfare. He shall be furnished
7 an office and all necessary equipment, supplies and personnel for the
8 sub-division of child welfare by the state department. The superin-
9 tendent and personnel of the sub-division of child welfare shall be paid
10 such salaries as shall be fixed by the state board.

11 The superintendent shall also:

12 (1) Appoint, with the approval of the state board and subject to its
13 rules and regulations such personnel as may be necessary for the
14 efficient discharge of the powers granted to and duties imposed upon
15 the sub-division of child welfare.

16 (2) Make such reports and provide such information as the state
17 board may from time to time require, whether to the state board or
18 to some other office or agency, state or federal.

19 (3) Prepare and submit to the state board annually, at such time
20 as the state board shall designate, an annual budget indicating the
21 funds necessary to carry out the purposes of this act, and giving an
22 estimate of any funds which are available and which the state may be
23 entitled to receive from the United States or any agency thereof.

24 (4) Cooperate with all county departments within the state, all
25 county boards of supervisors and other public and private local agen-
26 cies charged with the protection and care of children, in establishing,
27 extending and strengthening public and private child welfare services.

28 (5) Perform the executive duties and manage the activities of the
29 sub-division of child welfare under the supervision and control of the
30 state department and subject to its rules and regulations.

1 **SEC. 4. Powers and duties of state department.** The state depart-
2 ment, in addition to all other powers and duties given it by law, shall:

3 (1) Review the acts and decisions of the sub-division of child
4 welfare, and of the superintendent, when upon complaint made to the
5 state board, a review appears necessary.

6 (2) Join and cooperate with the government of the United States
7 through its appropriate agency or instrumentality or with any other
8 officer or agency of the federal government in planning, establishing,
9 extending and strengthening public and private child welfare services
10 within the state.

11 (3) Make such investigations and to obtain such information as will
12 permit the state board to determine the need for public child welfare
13 services within the state and within the several county departments
14 thereof.

15 (4) Apply for and receive any funds which are or may be allotted
16 to the state by the United States or any agency thereof for the purpose
17 of developing child welfare services.

18 (5) Make such reports and budget estimates to the governor and to
19 the general assembly as are required by law or such as are necessary
20 and proper to obtain the appropriation of state funds for child welfare
21 services within the state and for all the purposes of this act.

22 (6) Cooperate with the several county departments within the state,
23 and all county boards of supervisors and other public or private agen-
24 cies charged with the protection and care of children, in the develop-
25 ment of child welfare services.

26 (7) Aid in the enforcement of all laws of the state for the protec-
27 tion and care of children.

28 (8) Cooperate with the juvenile courts of the state, and with the
29 board of control of state institutions in its management and control
30 of state institutions and the inmates thereof.

1 **SEC. 5. Powers and duties of sub-division of child welfare.** The
2 sub-division of child welfare, under the supervision and control of the
3 state board, shall:

4 (1) Plan and supervise all public child welfare services and activi-
5 ties within the state as provided by this act.

6 (2) Make such reports and obtain and furnish such information
7 from time to time as may be necessary to permit cooperation by the

8 state department with the United States children's bureau, the social
9 security board, or any other federal agency which is now or may here-
10 after be charged with any duty regarding child care or child welfare
11 services.

12 (3) Make such rules and regulations as may be necessary or
13 advisable for the supervision of the private child-caring agencies
14 or officers thereof which the division is empowered to license, inspect
15 and supervise, which rules and regulations shall provide that in
16 dealing with any child, any officer, employee or agency so dealing
17 shall take into consideration the religious faith or affiliations of
18 the child or its parents, and that in placing such child it shall be,
19 as far as practicable, placed in the home or the care and custody
20 of some person holding the same religious faith as the parents of
21 such child, or with or through some agency or institution con-
22 trolled by persons of like religious faith with the parents of said
23 child.

24 (4) Supervise and inspect private institutions for the care of de-
25 pendent, neglected and delinquent children, and to make reports re-
26 garding the same.

27 (5) Designate and approve the private and county institutions
28 within the state to which neglected, dependent and delinquent children
29 may be legally committed and to have supervision of the care of chil-
30 dren committed thereto, and the right of visitation and inspection of
31 said institutions at all times.

32 (6) Receive and keep on file annual reports from the juvenile courts
33 of the state, and from all institutions to which neglected, dependent
34 and delinquent children are committed; compile statistics regarding
35 juvenile delinquency, make reports regarding the same and study pre-
36 vention and cure of juvenile delinquency.

37 (7) Require and receive from the clerks of the courts of record
38 within the state duplicates of the findings of the courts upon petitions
39 for adoption, and keep records and compile statistics regarding adop-
40 tions.

41 (8) License and inspect maternity hospitals, private boarding
42 homes for children, and private child-placing agencies; make reports
43 regarding the same and revoke such licenses.

44 (9) Perform such other functions as may from time to time be
45 delegated to the sub-division by the state board.

1 **SEC. 6. Duties of county departments.** County departments are
2 hereby charged with the duty of cooperating with the sub-division of
3 child welfare and with the state department in carrying out the provi-
4 sions of this act. They shall, upon request, make to the state depart-
5 ment or sub-division of child welfare such reports regarding child
6 welfare services, or the need thereof, within the respective counties.
7 They shall also, when requested by the state department or the sub-
8 division of child welfare make reports upon maternity hospitals, pri-
9 vate boarding homes for children, private child-placing agencies and
10 private institutions for the care of neglected, dependent or delinquent
11 children which are located within the respective counties. For this
12 purpose they shall act, if so designated, as agents of the state depart-
13 ment and the sub-division of child welfare.

- 1 **SEC. 7. Coordinating amendments. Maternity hospitals.** The fol-
2 lowing sections of the code of Iowa, 1935, are hereby amended:
- 3 Section 3661-a11 is amended by striking from line five thereof the
4 words "board of control", and inserting in place thereof the words
5 "sub-division of child welfare";
- 6 Section 3661-a12 is amended by striking from lines one and two
7 thereof the words "the state board of control", and inserting in place
8 thereof the words, "the sub-division of child welfare";
- 9 Section 3661-a15 is amended by striking from lines three and four
10 thereof the words, "the state board of control", and inserting in place
11 thereof the words, "the sub-division of child welfare";
- 12 Section 3661-a18 is amended by striking from lines one and two
13 thereof the words, "the board of control" and inserting in place thereof
14 the words, "the sub-division of child welfare";
- 15 Section 3661-a22 is amended by striking from line two thereof
16 the words "board of control" and inserting in place thereof the words
17 "sub-division of child welfare";
- 18 Section 3661-a26 is amended by striking from lines two and three
19 thereof the words, "state board of control" and inserting in place
20 thereof the words, "sub-division of child welfare";
- 21 Section 3661-a27 is hereby amended by striking from lines one
22 and two thereof the words, "the state board of control", and insert-
23 ing in place thereof the words, "the sub-division of child welfare";
- 24 Section 3661-a28 is amended by striking from lines one and two
25 thereof the words, "the state board of control" and inserting in place
26 thereof the words, "the sub-division of child welfare";
- 27 Section 3661-a31 is amended by striking from lines six and
28 seven thereof the words, "state board of control", and inserting in
29 place thereof the words, "subdivision of child welfare"; also by
30 striking from line ten thereof the word, "board" and inserting
31 in place thereof the words, "subdivision of child welfare";
- 32 Section 3661-a32 is amended by striking from line six thereof
33 the words, "state board of control" and inserting in place thereof
34 the words, "subdivision of child welfare"; also by striking from line
35 seven thereof the word, "board" and inserting in place thereof the
36 words, "subdivision of child welfare";
- 37 Section 3661-a33 is amended by striking from lines four and five
38 thereof the words, "members of the board of control", and inserting
39 in place thereof the words, "subdivision of child welfare";
- 40 Section 3661-a34 is amended by striking from lines one and two
41 thereof the words, "the board of control", and inserting in place
42 thereof the words, "the subdivision of child welfare";
- 43 Section 3661-a36 is amended by striking from line two thereof the
44 words, "state board of control" and inserting in place thereof the
45 words "subdivision of child welfare";
- 46 Section 3661-a37 is amended by striking from line two thereof the
47 words, "state board of control", and inserting in place thereof the
48 words, "subdivision of child welfare";
- 49 Section 3661-a41 is amended by striking from line four thereof the
50 words, "state board of control" and inserting in place thereof the
51 words, "subdivision of child welfare".

1 **SEC. 8. Coordinating amendments—children’s boarding homes.**
 2 The following sections of the code of Iowa, 1935, are hereby amended
 3 as follows:
 4 Section 3661-a44 is amended by striking from lines one and two
 5 thereof the words “the state board of control”, and inserting in place
 6 thereof the words, “subdivision of child welfare”;
 7 Section 3661-a47 is amended by striking from lines two and three
 8 thereof the words, “board of control” and inserting in place thereof
 9 the words, “subdivision of child welfare”;
 10 Section 3661-a48 is amended by striking from lines one and two
 11 thereof the words, “board of control”, and inserting in place thereof
 12 the words, “subdivision of child welfare”;
 13 Section 3661-a49 is amended by striking from lines four and five
 14 thereof the words, “board of control”, and inserting in place thereof
 15 the words, “subdivision of child welfare”;
 16 Section 3661-a52 is amended by striking from line two thereof the
 17 word, “board”, and inserting in place thereof the words, “subdivision
 18 of child welfare”;
 19 Section 3661-a54 is amended by striking from lines one and two
 20 thereof the words, “state board of control”, and inserting in place
 21 thereof the words, “subdivision of child welfare”;
 22 Section 3661-a55 is amended by striking from line two thereof the
 23 words, “board of control”, and inserting in place thereof the words,
 24 “subdivision of child welfare”;
 25 Section 3661-a57 is amended by striking from line four thereof the
 26 words, “state board of control”, and inserting in place thereof the
 27 the words, “subdivision of child welfare”.

1 **SEC. 9. Coordinating amendments—Child-placing agencies.** The
 2 following sections of the code of Iowa, 1935, are hereby amended as
 3 follows:
 4 Section 3661-a60 is amended by striking from lines one and two
 5 thereof the words, “the board of control of state institutions”, and
 6 inserting in place thereof the words, “subdivision of child welfare”;
 7 Section 3661-a62 is amended by striking from line four thereof the
 8 words, “board of control”, and inserting in place thereof the words,
 9 “subdivision of child welfare”;
 10 Section 3661-a65 is amended by striking from lines two and three
 11 thereof the words, “board of control”, and inserting in place thereof
 12 the words, “subdivision of child welfare”;
 13 Section 3661-a67 is amended by striking from lines one and two
 14 thereof the words, “board of control”, and inserting in place thereof
 15 the words, “subdivision of child welfare”; by striking from line six
 16 thereof the words “this board”, and inserting in place thereof the
 17 words “subdivision of child welfare”; and by striking from line twenty
 18 thereof, the words, “board of control” and inserting in place thereof
 19 the words, “subdivision of child welfare”;
 20 Section 3661-a68 is amended by striking from line five thereof the
 21 word, “board”, and inserting in place thereof the words, “subdivision
 22 of child welfare”;
 23 Section 3661-a69 is amended by striking from line two thereof the
 24 words, “board” and inserting in place thereof the word,* “subdivision

* According to enrolled bill.

25 of child welfare", and by striking from line four thereof the words
26 "board of control", and inserting in place thereof the words, "sub-
27 division of child welfare";

28 Section 3661-a71 is amended by striking from line five thereof the
29 word, "board", and inserting in place thereof the words, "subdivision
30 of child welfare";

31 Section 3661-a73 is amended by striking from line two thereof the
32 word, "board", and inserting in place thereof the words, "subdivision
33 of child welfare";

34 Section 3661-a74 is amended by striking from line one thereof the
35 words, "board of control" and inserting in place thereof the words,
36 "subdivision of child welfare", and by striking from line five thereof
37 the word, "board", and inserting in place thereof the words, "sub-
38 division of child welfare";

39 Section 3661-a75 is amended by striking from line three the word,
40 "board" and inserting in place thereof the words, "subdivision of
41 child welfare";

42 Section 3661-a76 is amended by striking from line two thereof the
43 words "board of control" and inserting in place thereof the words,
44 "subdivision of child welfare";

45 Section 3661-a77 is amended by striking from lines two and three
46 thereof the words "board of control", and inserting in place thereof
47 the words, "subdivision of child welfare";

48 Section 3661-a80 is amended by striking from line two thereof the
49 words, "board of control", and inserting in place thereof the words,
50 subdivision of child welfare"; and by striking from line twenty-one
51 thereof the word, "board" and inserting in place thereof the words,
52 "subdivision of child welfare";

53 Section 3661-a81 is amended by striking from line twelve thereof
54 and also from lines fifteen and sixteen, the words, "board of control"
55 and inserting in place thereof at each place the words, "subdivision
56 of child welfare";

57 Section 3661-a83 is amended by striking from lines ten and eleven
58 thereof the words, "board of control" and inserting in place thereof
59 the words, "subdivision of child welfare";

60 Section 3661-a87 is amended by striking from line three thereof the
61 words, "board of control" and inserting in place thereof the words,
62 "subdivision of child welfare", and from lines three and nine the word
63 "board" and inserting in each of said places the words "subdivision of
64 child welfare";

65 Section 3661-a88 is amended by striking from line two thereof the
66 words, "board of control" and inserting in place thereof the words,
67 "subdivision of child welfare", and by striking from line four thereof
68 the word "board" and inserting in place thereof the words, "subdivi-
69 sion of child welfare";

70 Section 3661-a90 is amended by striking from line five thereof the
71 words, "board of control", and inserting in place thereof the words,
72 "subdivision of child welfare"; also by striking from line six thereof
73 the word "board" and inserting in place thereof the words, "subdivi-
74 sion of child welfare";

75 Section 3661-a91 is amended by striking from lines nine and eleven
76 the words "board of control", and from lines two, three, fourteen and

77 seventeen the word, "board" and inserting in place thereof the words,
78 "subdivision of child welfare";

79 Section 3661-a93 is amended by striking from lines five and six the
80 words, "board of control" and from line eleven the word "board" and
81 inserting in place thereof the words, "subdivision of child welfare";

82 Section 3661-a94 is amended by striking from line four thereof the
83 word "board" and inserting in place thereof the words "subdivision of
84 child welfare";

85 Section 3661-96* is amended by striking from line six the words,
86 "board of control" and from lines nine and eleven each the word,
87 "board" and inserting in each place the words, "subdivision of child
88 welfare";

89 Section 3661-a97 is amended by striking from lines ten and eleven
90 the words, "board of control" and inserting in place thereof the words,
91 "subdivision of child welfare";

92 Section 3661-a100 is amended by striking from line four thereof the
93 words, "board of control", and inserting in place thereof the words,
94 "subdivision of child welfare";

95 Section 3666 is amended by striking from line four thereof the word,
96 "over" and inserting in place thereof the word, "under".

1 SEC. 10. **Coordinating amendments—Neglected, dependent and de-**
2 **linquent children.** The following sections of the code of Iowa, 1935,
3 are hereby amended as follows:

4 Section 3671 is amended by striking from lines three and four
5 thereof the words, "state board of control" and inserting in place
6 thereof the words, "subdivision of child welfare";

7 Section 3683 is amended by striking from lines three and four
8 thereof the words, "board of control", and inserting in place thereof
9 the words, "subdivision of child welfare";

10 Section 3655 is amended by striking from lines one and two thereof
11 the words, "board of control" and inserting in place thereof the words,
12 "subdivision of child welfare";

13 Section 3656 is amended by striking from line five thereof the words,
14 "board of control" and inserting in place thereof the words, "sub-
15 division of child welfare".

1 SEC. 11. **Coordinating amendments—Adoption.** The following sec-
2 tions of the code of Iowa, 1935, are amended as follows:

3 Section 10501-b7 is amended by striking from lines eleven and
4 twelve thereof the words, "state board of control", and inserting in
5 place thereof the words, "subdivision of child welfare";

6 Section 10501-b8 is amended by striking from lines six and seven
7 thereof the words, "board of control of state institutions", and insert-
8 ing in place thereof the words, "subdivision of child welfare".

1 SEC. 12. **Licenses.** Licenses issued to maternity hospitals, private
2 boarding homes for children, and private child-placing agencies by
3 the state board of control of state institutions, shall remain in effect
4 for the period for which issued, unless sooner revoked according to
5 law. Thereafter it shall be the duty of each of such agencies to apply
6 to the subdivision of child welfare for a new license, and to submit

* According to enrolled bill.

7 to such rules regarding the same as the subdivision or state board
8 may prescribe.

1 SEC. 13. **Constitutionality.** If any portion of this act shall be
2 declared unconstitutional, such declaration shall not affect the validity
3 of the remaining portions of the act, which shall remain in force as
4 though such declaration had not been made.

1 SEC. 14. **Short title.** This act shall be known and may be cited as
2 "The Child Welfare Act of 1937."

1 SEC. 15. **Publication clause.** This act being deemed of immediate
2 importance, shall be in force and effect from and after its passage
3 and publication in the *Booster*, a newspaper published at Valley Junction,
4 Iowa, and in the *Express*, a newspaper published at Knoxville,
5 Iowa.

Senate File 374. Approved May 7, 1937.

I hereby certify that the foregoing act was published in the *Booster*, Valley Junction,
May 28, 1937, and the *Express*, Knoxville, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 119

BOARD OF EDUCATIONAL EXAMINERS

S. F. 297

AN ACT to amend sections thirty-eight hundred eighty-one (3881), thirty-eight hundred
eighty-three (3883), and thirty-nine hundred eight (3908), code, 1935, relating to the
fees for teachers' certificates.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section thirty-eight hundred eighty-one (3881), code,
2 1935, is hereby amended by striking from line six (6) the words "one
3 dollar" and inserting in lieu thereof the words "two dollars".

1 SEC. 2. Section thirty-eight hundred eighty-three (3883), code,
2 1935, is hereby amended by striking from line two (2) the words "one
3 dollar" and inserting in lieu thereof the words "two dollars".

1 SEC. 3. Section thirty-nine hundred eight (3908), code, 1935, is
2 hereby amended by striking from line three (3) the words "one dol-
3 lar" and inserting in lieu thereof the words "two dollars".

1 SEC. 4. This act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 the *Guthrie County Vedette*, a newspaper published at Panora, Iowa,
4 and in the *Casey Vindicator*, a newspaper published at Casey, Iowa.

Senate File 297. Approved April 8, 1937.

I hereby certify that the foregoing act was published in the *Guthrie County Vedette*,
April 15, 1937, and the *Casey Vindicator*, April 15, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*